

1 The Honorable David G. Estudillo  
2  
3  
4  
5  
6  
7  
8

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

9 JOHN DOE,  
10  
11 v.  
12 KRISTI NOEM, *et al.*,  
13

Plaintiff,  
Defendants.

Case No. 2:25-cv-00633-DGE

**DEFENDANTS' OPPOSITION TO  
PLAINTIFF'S MOTION FOR A  
PRELIMINARY INJUNCTION**

Noted for Consideration:  
May 1, 2025

15 Plaintiff Doe's motion for a preliminary injunction should be denied as moot because the  
16 extraordinary remedy of a preliminary injunction is unnecessary where Doe has already achieved  
17 the relief he seeks. A "preliminary injunction is an extraordinary and drastic remedy." *Munaf v.*  
18 *Geren*, 553 U.S. 674, 689-90 (2008). A district court should enter a preliminary injunction only  
19 "upon a clear showing that the [movant] is entitled to such relief." *Winter v. Natural Resources*  
20 *Defense Council, Inc.*, 555 U.S. 7, 22 (2008). To obtain a preliminary injunction, the moving party  
21 must demonstrate (1) that it is likely to succeed on the merits of its claims; (2) that it is likely to  
22 suffer an irreparable injury in the absence of injunctive relief; (3) that the balance of equities tips  
23 in its favor; and (4) that the proposed injunction is in the public interest. *Id.* at 20. These factors  
24 are mandatory. As the Supreme Court has articulated, "[a] stay is not a matter of right, even if

1 irreparable injury might otherwise result.” *Nken v. Holder*, 556 U.S. 418, 433 (2009) (quoting  
 2 *Virginian R. Co. v. United States*, 272 U.S. 658, 672 (1926)). Instead, it is an exercise of judicial  
 3 discretion that depends upon the circumstances of the particular case. *Id.*

4 Here, according to ICE, the SEVIS record for Doe has been restored to Active. ICE  
 5 maintains the authority to terminate a SEVIS record for other reasons, such as if Doe fails to  
 6 maintain his or her nonimmigrant status after the record is reactivated or engages in other unlawful  
 7 activity that would render him removable from the United States under the Immigration and  
 8 Nationality Act. Accordingly, a preliminary injunction is not necessary to maintain the status quo.  
 9 A claim is moot “when the issues presented are no longer live or the parties lack a legally  
 10 cognizable interest in the outcome. The basic question is whether there exists a present controversy  
 11 as to which effective relief can be granted.” *Outdoor Media Group, Inc. v. City of Beaumont*, 506  
 12 F.3d 895, 900 (9th Cir.2007). Because the relief Doe seeks is already in place, the Court should  
 13 deny Doe’s request for a preliminary injunction.

14 DATED this 28th day of April, 2025.

15 Respectfully submitted,

16 TEAL LUTHY MILLER  
 17 Acting United States Attorney

18 s/ Whitney Passmore  
 19 WHITNEY PASSMORE, FL No. 91922  
 20 Assistant United States Attorney  
 21 United States Attorney’s Office  
 22 Western District of Washington  
 23 700 Stewart Street, Suite 5220  
 24 Seattle, Washington 98101-1271  
 Phone: 206-553-7970  
 Email: [whitney.passmore@usdoj.gov](mailto:whitney.passmore@usdoj.gov)

25 Attorneys for Defendants

26 I certify that this memorandum contains 357  
 27 words, in compliance with the Local Civil Rules.